

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

_____)	
CORNELL URQUHART,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-1172
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

ORDER

This matter comes before the Court on Petitioner's Motion to Vacate, Set Aside, or Correct Sentence. 28 U.S.C. § 2255 (2000). On September 29, 2004, Petitioner plead guilty to conspiracy to commit mail fraud, 18 U.S.C. § 371, and bank fraud, 18 U.S.C. § 1344. Petitioner's sentencing hearing was held on January 21, 2005. At Petitioner's sentencing hearing the Court calculated the proper sentencing guideline range to be eighteen to twenty-four months. Petitioner agreed with the Court's calculation, but requested that the Court sentence Petitioner to no more than twelve to eighteen months in light of United States v. Booker, 543 U.S. 220 (2005), his prior criminal history, and personal circumstances. The Court considered Petitioner's request, found that there was no reason to depart from the guideline range of eighteen to twenty-four months, and imposed the following sentence: eighteen months incarceration, three years supervised

release, \$100.00 special assessment fee, and \$697,153.00 in restitution. Petitioner's current motion simply duplicates his request for a downward departure under Booker, which the Court heard and denied at Petitioner's sentencing hearing. Therefore, it appearing to the Court that its prior decision to deny Petitioner's request for a downward departure in light of Booker was correct, and that there is no basis for the Court to vacate, modify, or set aside Petitioner's sentence, it is hereby

ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence is DENIED.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
March 30, 2006

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